

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ LOCAL GOVERNMENTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part by emergency rulemaking titled Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (14 IAC 700; 44 Ill Reg 11824) effective 7/2/20 for a maximum of 150 days. An identical proposed rule appears in this week's *Register* at 44 Ill Reg 11735. This Part implements a program established in Public Act 101-636 to distribute federal CARES Act relief funds to units of local government outside of the 5 counties receiving direct allotments from the CARES Act fund (Cook, Du Page, Lake, Kane, Will). CURE payments may be used only to cover necessary expenses due to the COVID-19 public health emergency that were not accounted for in the local government's most recently

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

approved budget as of 3/27/20 and that were incurred between 3/1 and 12/30/20. In order to meet the federal CARES spending deadline of 12/30/20, DCEO may impose an earlier cutoff date for the period of allowable costs. DCEO can also extend the deadline if the federal government extends it and may contract with a third party administrator to manage

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Adopted Rules

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted amendments to the Part titled Claimant's Availability For Work, Ability to Work and Active Search for Work (56 IAC 2865; 44 Ill Reg 5176), effective 7/1/20, replacing emergency amendments effective 3/13/20 (44 Ill Reg 5457). The rulemaking allows persons who have been laid off or lost jobs due to the COVID-19 pandemic to apply for unemployment benefits. Criteria for being deemed able to work and available for work (a prerequisite for receiving unemployment benefits) have also been expanded to include circumstances in which the claimant is limited to working from home due to COVID-19 related closures or restrictions. Numerous small businesses and their

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rules

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the program. Allowable costs that can be reimbursed through CURE include medical expenses such as COVID testing and establishing temporary medical facilities; public health expenses, including but not limited to communication and enforcement of COVID-related public health orders; payroll expenses for public safety, public health, health care, human services, and other employees whose services were substantially dedicated to responding to or mitigating the COVID emergency; actions taken to facilitate compliance with COVID-related public health measures; and any other expenses reasonably necessary to the function of government that can be documented as COVID-related. Costs not eligible for CURE reimbursement include provision of economic support (to local businesses or other organizations), damages covered by insurance, expenses that have been or will be reimbursed by other State or federal funds, replacement of revenue shortfalls, and payroll or benefits for employees whose work duties were not substantially dedicated to COVID response/mitigation. CURE funds will be allocated as follows: 80% to municipalities and counties based on proportionate population; 5% to certified local public health departments based on proportionate population and poverty rates; and 8% to local governments that did not qualify under the previous two categories (preference will be given to

disproportionately impacted areas with high rates of positive COVID-19 cases and high rates of poverty among children, older adults or the general population). Funds requested by local governments but not claimed by 11/1/20 may be forfeited and distributed to other local governments along with the remaining 7% set aside to meet additional needs and cover DCEO's administrative costs (including the contract fee for a third party administrator). Application, documentation and reimbursement request procedures are also included. Small municipalities and other local units of government are affected by this emergency rule.

■ CANNABIS BUSINESSES

DCEO also adopted a new Part by emergency rulemaking titled Cannabis Business Incubator and Sponsorship Programs (14 IAC 651; 44 Ill Reg 11811) effective 7/2/20 for a maximum of 150 days. An identical proposed rule appears in this week's *Register* at 44 Ill Reg 11733. The Part implements a provision of PA 101-27 under which early approval adult use dispensing or cultivation licensees that had been previously licensed to cultivate or dispense medical cannabis may agree to serve as DCEO-approved hosts or sponsors to new Social Equity Applicants (license applicants disproportionately impacted by the enforcement of past cannabis laws). A host must agree to provide mentorship services and a loan of at least \$100,000 to a Social Equity Applicant or to a current

licensee that meets the Social Equity Applicant criteria. Loans must have repayment terms of at least 5 years, with the first payment due at least 1 year after execution of the loan, and the interest rate cannot exceed 12%. Alternatively, an early approval licensee may sponsor a Social Equity Applicant with an interest-free loan of at least \$200,000. The rule also outlines application requirements for hosts and the ongoing documentation, reporting and recordkeeping requirements of the program. Current holders of adult use cannabis cultivation or dispensing licenses and prospective Social Equity Applicants for such licenses are affected.

Questions/requests for copies/comments on the 2 proposed DCEO rules through 8/31/20: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, jolene.clarke@illinois.gov

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted emergency amendments to the Part titled Claimant's Availability for Work, Ability to Work and Active Search for Work (56 IAC 2865; 44 Ill Reg 11840) effective 7/6/20 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 44 Ill Reg 11738. The amendments exempt individuals who are applying for extended

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Proposed Rulemakings

■ SPECIAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to the Part titled Special Education (23 IAC 226; 44 Ill Reg 11766) to comply with PA 101-124, which requires SBE to establish qualification standards for bilingual interpreters who participate in Individualized Education Program (IEP) meetings to assist parents with limited English proficiency. School districts are required to cover the expense of hiring a qualified interpreter for parents whose

native language is other than English or who are deaf. An interpreter will be designated as qualified if he or she meets all employment eligibility requirements of the school district; passes State-approved language proficiency tests, holds a post-secondary degree in the target language, holds an educator license with an endorsement as a transitional bilingual educator or bilingual special education specialist, or is certified as a court or medical interpreter; and completes required training and testing in special education

terminology and protocol. Qualified interpreters must participate in at least 6 hours of professional development training every 2 years to maintain their status. School districts, special education cooperatives, and persons seeking to become qualified interpreters are affected by this rulemaking.

Questions/requests for copies/comments through 8/31/20: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

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employees are affected by this rulemaking.

Questions/requests for copies: Kevin Lovellette, DES, 33 S. State St., Rm 910, Chicago IL 60603, 312/793-1224, fax 312/793-5645, kevin.lovellette@illinois.gov

GUARDIANSHIP

The GUARDIANSHIP AND ADVOCACY COMMISSION adopted amendments to the Part titled Fee Schedule for the Office of State Guardian (59 IAC 301; 43 Ill Reg 13902), effective 6/30/20,

updating the fee schedule for the services provided by the OSG. One-time case opening fees are now \$500 (formerly \$300) for guardianship of a person, \$750 (formerly \$500) for guardianship of an estate, and \$1000 (unchanged) for guardianship of both a person and estate. Monthly guardianship services fees for person cases are \$250 (formerly \$150); for estate cases below \$25,000, \$300 (formerly \$200); and for estate cases of \$25,000 or more, the usual, customary and reasonable fees for public or appointed guardians in the county where the case is filed (formerly, \$300-\$1,000). For management of real property that is not sold, the fee

shall be limited to costs incurred (formerly, \$250-\$1,000). For the sale of personal property, the fee shall be \$150 (unchanged) for sales of \$3,000 to \$9,999; for sales of personal property totaling \$10,000 or more, the fee is 2% of the net sale value (formerly, \$200-\$700). The OSG shall not petition for fees if it reasonably determines that financial hardship to the ward would result.

Questions/requests for copies: Kenya A. Jenkins-Wright, GAC, 160 N. La Salle St., S-500, Chicago IL 60601, 312/793-5900 or 866/333-3362 (TTY).

Emergency Rules

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unemployment benefits for weeks beginning on or after 5/17/20 and whose unemployment is directly impacted by COVID-19 from the normal DES requirements to demonstrate a systematic and sustained search for work and to demonstrate that their prospects for finding work are “good”. The exemption from these requirements applies to the extent allowed by the federal Families First Coronavirus Response Act. Persons seeking extended unemployment benefits for COVID-related layoffs are affected.

Questions/requests for copies/ comments on the proposed rulemaking through 8/31/20: Kevin Lovellette, DES, 33 S. State St., Room 930, Chicago IL 60603, 312/793-1224, fax 312/ 7 9 3 - 5 6 4 5 , kevin.lovellette@illinois.gov

■ DRIVER'S SERVICES

The SECRETARY OF STATE adopted emergency amendments to Procedures and Standards (92 IAC 1001; 44 Ill Reg 11882), Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 11890), Issuance of Licenses (92 IAC 1030; 44 Ill Reg 11898), and Rules of the Road – Persons with Disabilities Parking Program (92 IAC 1100; 44 Ill Reg 11906), all effective 6/30/20 for a maximum of 150 days. Companion proposed amendments appear in this week's *Register* at 44 Ill Reg 11748, 11750, 11762 and 11764.

These emergency and proposed rules implement PA 101-640 and recent Executive Orders concerning extension of SOS hearing dates and expiration dates for vehicle registrations, driver license's/ID cards and disabled parking decals. Amendments to Part 1001 set a deadline of 10/1/20 for SOS to hold any hearings that were requested on or before 6/1/20 (with final orders to be issued within 120 days after the hearing) and to issue final orders in hearings held on or before 3/9/20. Hearings requested after 6/1 but before 7/1 shall be scheduled within 120 days of the request and final orders issued within 120 days of the hearing. These extensions shall not apply to any hearing request received on or after 7/1. The Part 1010 emergency and proposed amendments extend expiration of license plates or stickers scheduled to expire on or before the last day of the proclaimed COVID-19 disaster, or within 90 days after the disaster proclamations end, to 120 days after the end of the disaster proclamations. The proposed rulemaking also updates provisions for approved Electronic Registration and Titling (ERT) services to issue renewal stickers. Amendments to Part 1030 extend all driver's licenses/permits and State ID cards that were scheduled to expire during the disaster proclamations or within 60 days after the proclamations end for 95 days after the end of the proclamations. The Part 1100 amendments extend disabled parking decals that are scheduled to expire during the disaster

proclamations or in the 60 days following their end for 95 days after the end of the disaster proclamations.

Questions/requests for copies/ comments on the 4 proposed SOS rulemakings through 8/31/20: Part 1001, Brenda Glahn (bglahn@ilsos.gov); Parts 1010, 1030 and 1100, Pamela Wright (pwright@ilsos.gov), SOS, 298 Howlett Bldg., Springfield IL 62756.

SOS EMPLOYMENT

SOS also adopted an emergency amendment to Merit Commission (80 IAC 50; 44 Ill Reg 11878), effective 6/30/20 for a maximum of 150 days, extending all hearings under the SOS Merit Employment Code for the duration of the Gubernatorial Disaster Proclamations and for 90 days thereafter. An identical proposed amendment appears in this week's *Register* at 44 Ill Reg 11746.

Questions/requests for copies/ comments on the proposed rulemaking through 8/31/20: Brenda Glahn at the SOS address and e-mail above.

LIBRARIES

Finally, SOS adopted an emergency amendment to Public Library Non-Resident Services (23 IAC 3050; 44 Ill Reg 11910) effective 7/1/20 for a maximum of 150 days, giving public library

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boards until 10/15/20 to establish their annual non-resident fees if they have been unable to take action due to the COVID-19 pandemic. Library districts are affected.

Questions/requests for copies: Joseph Natale, Illinois State Library, Gwendolyn Brooks Bldg., Springfield IL 62701-1796, 217/558-4185, jnatale@ilsos.net

VOTE BY MAIL

The STATE BOARD OF ELECTIONS adopted a new Part by emergency rulemaking titled Vote by Mail Expansion (26 IAC 225; 44 Ill Reg 11914) effective 7/2/20 for a maximum of 150 days. The new Part implements and clarifies provisions of Public Act 101-642, which expands access to mail-in ballots and requires local election authorities to send vote by mail applications for the 2020 general election to any registered voter in their jurisdiction who has voted in any of the three most recent statewide elections (2018 general, 2019 consolidated/local, 2020 primary). The emergency rule clarifies that local election authorities are not required to send vote by mail applications to voters who have already applied for a mail-in ballot for the current election cycle unless that application was rejected. It also requires a valid vote by mail application to include the voter's name, street address and city or township of residence; a statement of the voter's intention to apply for

a mail-in ballot; the voter's agreement to return the ballot to the election authority by mail postmarked no later than election day (Nov. 3) or in person prior to the closing of the polls on election day; an understanding that the application applies only to the current election and that a separate application must be submitted for mail-in ballots in future elections; and a certification that all statements in the application are true and correct. Completed ballots that are submitted by mail will be counted during the 14-day period for counting provisional ballots following election day. Additionally, a vote by mail application cannot be rejected solely because it does not contain the voter's signature. Local election authorities are affected by this emergency rule.

Questions/requests for copies: Marni M. Malowitz, SBEL, 100 W. Randolph St., Suite 14-100, Chicago IL 60601, 312/814-6462.

ILRB PROCEEDINGS

The ILLINOIS LABOR RELATIONS BOARD adopted emergency amendments to General Procedures (80 IAC 1200; 44 Ill Reg 11866) and Unfair Labor Practice Proceedings (80 IAC 1220; 44 Ill Reg 11873), both effective 7/6/20 for a maximum of 150 days. Both emergency rules expand the use of e-mail to file and to serve documents in ILRB proceedings. Documents that will be served by e-mail include complaints, unfair labor practice

charges, notices of hearing, dismissals, hearing orders, recommended decisions and orders, and Board decisions and orders. Any attorney representing a party to an ILRB proceeding shall provide the Board with at least one e-mail address to which documents can be served; the address must be updated if changed, and persons or entities who regularly practice or appear before the Board must verify their e-mail address annually. Documents that will not be served by e-mail are those that contain a Social Security number, an individual taxpayer identification number, a financial account or debit/credit card number, any information concerning a minor, or any other information that could be deemed personal, proprietary, confidential or trade secret information. Those affected by this emergency rule include attorneys and others who take part in ILRB proceedings.

Questions/requests for copies of the 2 ILRB emergency rules: Anna Hamburg-Gal, ILRB, 160 N. La Salle St., Suite 400, Chicago IL 60601, 312/793-6380, anna.hamburg-gal@illinois.gov

■ WIC VENDORS

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to the Part titled WIC Vendor Management Code (77 IAC 672; 44 Ill Reg 11847) effective 7/1/20 for a maximum of 150 days. An identical proposed rulemaking

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Emergency Rules

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appears in this *Register* at 44 Ill Reg 11741. The emergency and proposed rules clarify that pharmacy-only vendors participating in the Women, Infants and Children (WIC) nutrition program are exempt from providing foods other than infant formula to WIC participants that present Electronic Benefits Transfer cards. (DHS states that this emergency rule was prompted by the inability of certain pharmacy chains that participate in multi-state point of sale systems to accept WIC EBT payment for any items other than infant formula.)

Pharmacy-only WIC vendors are affected.

■ DISABILITY SERVICES

DHS also adopted an emergency amendment to Developmental Disabilities Services (89 IAC 144; 44 Ill Reg 11861) effective 7/1/20 for a maximum of 150 days. An identical proposed amendment appears at 44 Ill Reg 11743. This amendment implements, subject to federal approval, rate increases for community-based providers of developmental disability services that are contained in PA 101-636 (FY 21 Budget Implementation Plan). Effective 7/1/20, providers

are to increase wages for non-executive staff by \$1 per hour, with an additional 50 cents per hour increase effective 1/1/21. In both cases, at least 80% of the funds provided for the wage increase must be used for that purpose, with priority given to direct care staff. Providers of community-based services to the developmentally disabled are affected.

Questions/requests for copies/ comments on the 2 proposed DHS rulemakings through 8/31/ 20: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the August 11, 2020 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Acquisition, Management and Disposal of Real Property (44 IAC 5000; 44 Ill Reg 8454) proposed 5/22/20

DEPT OF REVENUE

Use Tax (86 IAC 150; 44 Ill Reg 7855) proposed 5/8/20

DEPT OF PUBLIC HEALTH

Grade A Pasteurized Milk and Milk Products (77 IAC 775; 44 Ill Reg 4503) proposed 3/20/20

Drinking Water Systems Code (77 IAC 900; 44 Ill Reg 4509) proposed 3/20/20

AIDS Drug Assistance Program (77 IAC 692; 44 Ill Reg 5326) proposed 3/27/20

Control of Sexually Transmissible Infections Code (77 IAC 693; 44 Ill Reg 5331) proposed 3/27/20

HIV/AIDS Confidentiality and Testing Code (77 IAC 697; 44 Ill Reg 5337) proposed 3/27/20

JCAR Meeting Action

At its 7/14/20 meeting, the Joint Committee on Administrative Rules took the following actions:

EXTENSION

JCAR and the Liquor Control Commission agreed to extend the Second Notice period for the rulemaking titled The Illinois Liquor Control Commission (11 IAC 100; 43 Ill Reg 14571) an additional 45 days. This rulemaking will be considered again at the August 11 JCAR meeting.

OTHER

The DCEO emergency rulemaking titled Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (14 IAC 700; 44 Ill Reg 11824), effective 7/2/20 and summarized in this issue of The Flinn Report beginning on page 1, has been placed on the August 11 JCAR meeting agenda.

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Kimberly Lightford	Representative Frances Ann Hurley
Senator Tony Muñoz	Representative Steven Reick
Senator Sue Rezin	Representative André Thapedi
Senator Paul Schimpf	Representative Keith Wheeler, <i>co-chair</i>

**Vicki Thomas
Executive Director**